

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

459V0331

HOUSE LOCAL GOVERNMENT ENGROSSED NO. **HB 1134** - 02/18/2014

Introduced by: Representatives Rozum, Heinert, and Magstadt and Senators Tieszen and Buhl O'Donnell

1 FOR AN ACT ENTITLED, An Act to clarify certain municipal powers.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 9-12-1 be amended to read as follows:

4 9-12-1. Every municipality shall have power:

5 (1) To sue and be sued and to contract in its corporate name;

6 (2) To acquire by lease, purchase, gift, condemnation, or other lawful means and hold
7 in its corporate name or use and control as provided by law both real and personal
8 property and easements and rights of way within or without the corporate limits for
9 all purposes authorized by law or necessary to the exercise of any power granted;

10 (3) To provide that supplies needed for the use of the municipality shall be furnished by
11 contract let to the lowest responsible bidder, except as otherwise provided by law;

12 (4) To construct, operate, and maintain an auditorium and all public buildings necessary
13 for the use of the municipality;

14 (5) To insure the public property of the municipality;



1 (6) To convey, sell, give, dispose of, or lease both the personal and real property of the
2 municipality as provided by this title;

3 (7) To perform all administrative and financial functions for all purposes authorized by
4 law or necessary to the exercise of any power granted.

5 Section 2. That § 9-12-11 be amended to read as follows:

6 9-12-11. A municipality may appropriate money from its general fund to promote itself. If
7 there are commercial clubs, chambers of commerce, or industrial development corporations
8 organized and incorporated as nonprofit corporations under the laws of the State of South
9 Dakota for the purpose of promoting the municipality, the appropriations or any part thereof
10 may be paid to such organizations for expenses incurred for promoting the municipality.
11 Payments to these organizations shall be based on programs previously submitted to the
12 governing board by them and they shall be required to maintain complete records on all their
13 activities and shall provide a certified audit of those records to the governing board of the
14 municipality at the close of each fiscal period. In lieu of a certified audit, the governing board
15 may accept a financial statement. For purposes of this section, promotion includes, but is not
16 limited to, any costs incidental to the hosting of events held within the municipality.